

## REMARKS

Claims 25 to 37 were pending in the application. New claim 38 has been added. Support for the new claims can be found in the specification, *e.g.*, at page 5, lines 32 to 37 and at page 18, lines 2 to 5. Thus, no new matter has been introduced and claims 25 to 38 will be pending upon entry of the present Amendment.

## The Restriction Requirement

First, Applicants want to thank Examiner Lucas for the telephonic interview of October 10, 2003 with Applicants' representative Jacqueline Benn in connection with the present requirement for restriction. In the Office communication of September 9, 2003, election of one of the following subgroups of Group VI is required:

- (VI-1) the RSV genome encodes a mutated G gene;
- (VI-2) the RSV genome encodes a mutated L gene;
- (VI-3) the RSV genome encodes a mutated N gene;
- (VI-4) the RSV genome encodes a mutated M1 gene;
- (VI-5) the RSV genome encodes a mutated F gene; and
- (VI-6) the RSV genome encodes a heterologous gene.

During a telephonic interview on October 10, 2003, Examiner Lucas clarified that claim 25 is generic to all of the subgroups VI-1 to VI-6 and that claim 25 is a linking claim. Accordingly, the linking claim will be first examined with regard to the elected subgroup. If the linking claim is found allowable with regard to the elected subgroup, the Examiner will then proceed to examine the full scope of the linking claims. *See also* M.P.E.P. 809.04.

Applicants hereby elect, with traverse, to prosecute subgroup **VI-1**, *i.e.*, the RSV genome encoding a mutated G gene.

In the Office communication of September 9, 2003, the Examiner further specified that if subgroup VI-6 would be elected, the meaning of "heterologous gene" would be "a gene not native to or derived from the strain of the RSV genome being modified." However, Applicants want to clarify that, as used and defined by the specification, the term "heterologous gene" is used to describe any sequence that is different from the wild-type

sequence including sequences that are derived from the RSV genome and genetically modified (see Response, mailed June 23, 2003).

In view of the above, Applicants respectfully request entry of the above remarks and examination of claims 25 to 38.

No fee is believed to be required for this response. However, should any fee be due, please charge the required amount to Pennie & Edmonds LLP Deposit Account No. 16-1150.

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Respectfully submitted,

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